

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HOWARD SPIKES,

Petitioner,

vs

9:07-CV-1129

H.D. GRAHAM,

Respondent.

APPEARANCES:

OF COUNSEL:

HOWARD SPIKES
Petitioner, Pro Se
05-B-0135
Marcy Correctional Facility
P.O. Box 3600
Marcy, NY 13403

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Respondent
Department of Law
120 Broadway
New York, NY 10271

JODI A. DANZIG, ESQ.
Asst. Attorney General

HON. DAVID N. HURD
United States District Judge

DECISION and ORDER

Petitioner, Howard Spikes, brought a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on October 24, 2007. By Report-Recommendation dated July 14, 2010, the Honorable George H. Lowe, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus (Docket No. 1) be denied and dismissed; and further, that no certificate of appealability issue with respect to any of petitioner's claims. Petitioner requested, and was granted, additional time to submit objections to the Report-

Recommendation. However, no objections were ever filed. The respondent has filed a letter urging the adoption of the Report-Recommendation.

Accordingly, it is

ORDERED that

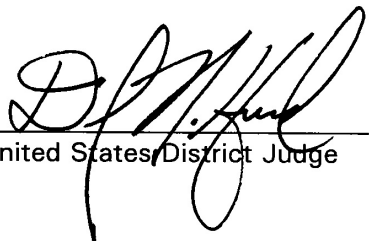
1. The petition for a writ of habeas corpus is DENIED and DISMISSED in all respects; and further,

2. No certificate of appealability will be issued.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: October 8, 2010
Utica, New York.


United States District Judge